About every one in Washington who reads at all reads The

CLOSING NEW YORK PAGE 17

No. 19,349.

WASHINGTON, D. C., THURSDAY. SEPTEMBER 18, 1913 - TWENTY-TWO PAGES.

COURT REFUSES

Justices of Appellate Tribunal El Paso Immigration Official Commissioners Take Steps Pass Upon Commissioner Newman's Application.

GIVE ADVERSE OPINION ON REQUEST FOR REVIEW

Questioned Wright's Decision in Proceedings Brought to Test Eligibility.

Oliver P. Newman, president of the else the functions of a civil Commis-

oday when the District Court of Appeals of a special appeal. Mr. Newman ad sought to have the appellate court decision of Justice Wright

pecial appeal before the merits of the Ralston & Richardson.

The latter had appeared before Justice Frizzell, a taxpayer, to institute the proceedings, and had taken exception to

Opinion by Chief Justice.

Chief Justice Shepard today filed an the lower court. The court suggested there seemed to be no reason for the special action asked by counsel for Mr.

The opinion is per curiam and consists merely of the following memorandum: appeals from interlocutory when it is apparent that delay and costs In cases of this character the avoidance of delay is of especial imporance. There seems to be no reason why speedy final determination may not be eached in the trial court that may be ppealed in due course and a complete ented, it is our opinion that it would be better to lat the cause take its ordinary course, and for that reason the applica-

Admits of No Appeal.

me return to the writ now outstanding the president of the board of

What form the return will take had not parleys. en decided this afternoon, according to Attorneys Ralston and Richardson, It led in which could be thrashed out the estion of whether a mere taxpayer ssioner as entitles him to prosecute the warranto proceedings.

Regarded as Tacit Admission.

om proceeding by way of demurrer. ubstituted, in which both the law and e facts would be called in question. Counsel has until next Wednesday to etermine on the mode of procedure.

MRS. BELMONT THE HOSTESS.

Will Entertain Mrs. Pankhurst When Militant Leader Arrives.

ng her stay in New York city." Mrs. ountry. She has not the slightest fear bout that, nor have I. Why, we should e the laughing stock of continental Eupe if we excluded her.
"Mrs. Pankhurst is not coming here

advocate militant methods," she add-'Mrs. Pankhurst knows perfectly that while they are necessary in ngland they are not necessary in this intry and will not be employed here. er visit will be one of encouragement our suffragists here. She will talk bout suffrage, certainly, but not its nilitant aspects."

Church Opens Press Bureau. NASHVILLE, Tenn., September 18 .n innovation in southern church work

vas inaugurated here today in the pening of a co-operative news bureau by he Southern Baptist, Methodist and resbyterian mission boards, with voman press agent in charge. The buau will furnish secular newspaper news rom foreign mission fields.

Back From Vacation?

Don't forget to telephone to The Star, Main 2440, to resume serving you with the paper daily and Sunday, or drop postal card.

KILLING OF MEXICAN SUITS TO ENFORCE SPECIAL APPEAL HELD SELF-DEFENSE

Absolves Heifron and Jonah in Report.

ADMINISTRATION TO NOW PLAY A WAITING GAME

Justice Attitude of U. S. in Event of an Election Is in Doubt-Constitutionalists Claim Five States.

A clear case of self-defense was the Board of District Commissioners, must characterization given the shooting of trict's fire escape regulations by owners before a justice of the Su- a Mexican army officer by Immigra- of certain apartment houses led the Combreme Court of the District of Columbia tion Inspector Thomas N. Heifron and missioners today to take drastic steps his right to hold the office and exer- Customs Inspector T. F. Jonah at El to insure greater protection to the occu Paso September 6, according to a re- pants of such buildings. port received today at the bureau of The attempt by Mr. Newman to avoid immigration here from F. W. Berk- Court of the District of Columbia against appearance in that tribunal was thwarted shire, supervising inspector at El Paso. The report shows that the Mexican and as many flats asking for restraining opened fire while Heifron, Jonah and a orders to prevent the use of the buildings trooper of the 13th Cavalry were in the and collection of rents therefrom if the guardhouse. Heifron went to the door of the guardhouse and saw the Mexican dismounting with a gun in his hand. He in the office of ordered him to "drop that gun," but the officer raised it to his shoulder and aimed at Heifron, whereupon the latter fired ontroversy had been heard and de- four shots in rapid succession from a .32was joined in by Solicitor caliber revolver. His revolver then being General Davis, by express direction of empty, Heifron returned to the guard-house to reload, and Jonah took up the s name to the request for the spe- firing. When Heifron returned a minute rial appeal as attorney for Mr. New- or so later he saw the Mexican lying on the in conjunction with Attorneys the bridge, making vain efforts to rise to a sitting position.

the order of Justice Wright directing a placed on a stretcher, and he was allowed calling their attention to alleged violawrit of quo warranto to issue against Mr. to remain where he died until the coroner arrived. According to testimony, he had three belts loaded with cartridges, a Winchester rifle, a bottle of "very fiery Mexibeen repeatedly ignored. He thereupon can liquor" and a bottle of beer, and was considered crazed with liquor. The two United States agents gave

themselves up to the police authorities. Both were held by the coroner because the killing. Heifron, however, asked that he alone be indicted, so that he could be acquitted in the regular course. Both men later were indicted by the grand jury, and are now awaiting trial. The United States attorney at El Paso has volunteered to defend them.

Playing Waiting Game Here. With a complete lack of vital developments in the Mexican situation since the congress, the Washington administration today began to play a waiting game to determination had that may lay the foundation for further appeal. Without present course of ignoring President Wilsons of the law enacted for the whole-some purpose of protecting human life. Such violation appeals to us as particu-son's demands. That the wait will not Such violation appeals to us as particube as long as is expected in some quar-ters was believed in official circles here. Secretary Bryan sent a cablegram to John Lind at Vera Cruz yesterday, advising him of the government's view of the Huerta message, but the contents of the dispatch were not disclosed. Huerta's declaration in the message that he hoped to turn over the ad interim the coming elections, if they are held. These points may be the basis for the United States does not intend to go forward with them unless the Mexican au-

Attitude of U. S. in Doubt.

Should an election be held, the attitude the United States would take is doubtful. such "interest" in the office of Com- Recognition will under no circumstances be accorded to Victoriano Huerta. This is known from unquestioned sources. Reports that Huerta intended to obtain the election of some friends who might subsequently appoint Huerta to a post in the cabinet and resign in his favor are causing some uneasiness, for if the election is constitutional the position of the United States toward Huerta then might be embarrassing. It is said to be quite probable, how-

ever, that no matter who is elected next month, the Washington government will hold aloof for some time until it is convinced that stability and peace have been accomplished and that the choice of an executive is approved by the Mexican peop.e.

Deny L'ederals Control Country. A big point has been made by the offi-

cials of the Huerta government over their claim that they are in control of practically all of Mexico, and State Department officials here have accepted the claim that the territory controlled by friends yesterday on his estate at San sentative Lobeck's constituents. Huerta comprises four-fifths of the popu-

mperator, "and, of course, Mrs. Pank- today with great detail by constitutionurst is going to be admitted to this alist representatives. To show how completely their forces control the states of marquis with two bullets in the head. It the interstate commerce commission for Coahulla, Durango, Sonora, Sinaloa and Chihuahua, they declared that in the last two months Can Coahulla, as suicide was thought improbational fields into South Carolina, paid his able market last two months Gen. Carranza, their commander-in-chief, has made a tour of inspection completely through these states, accompanied only by his staff and twenty soldiers. They said that Gen. Huerta could not travel for more than fifty miles through any part of Mexico without getting into difficulties, whereas Gen. Carranza has traveled more than 1,500 miles without

LIGHT FROM MEXICO ON ORDERS FROM U.S.

Refugees Declare They Acted made in eulogy of the late mayor and his life was reviewed by men who had come Solely on Warning Given by Bryan.

SAN DIEGO, Cal., September 18 .- A statement setting forth their reasons for leaving Mexico was issued yesterday by those who arrived here aboard the cruiser Buffalo from the west coast of the southern republic. The Buffalo brought 139 refugees, who were landed here, the ship proceeding to San Fran-

The statement follows: 'On board U. S. S. Buffalo, September 16, 1913.

"We, residents of the Yaqui valley, desire to state the following facts concerning the exodus of the American and (Continued on Second Page.)

FIRE ESCAPE LAW

for Protection of Apartment House Tenants.

ALLEGE THAT NOTICES HAVE BEEN DISOBEYED

Owners Required to Conform to Regulations-Drastic Order to Be

Asked of Court.

Alleged repeated violations of the Dis

Suits were ordered filed in the Suprem conditions complained of are not imme diately corrected.

Cases Number 157.

The Commissioners, it is stated, are considering 157 cases of violations of similar character, and it is regarded as practically certain that other suits will

Commissioner Newman is directly responsible for the board's decision to inaugurate a vigorous campaign for enpreement of the fire escape regulations. In going over some papers connected with the routine business of the office he disthat several notices had been The soldier died while he was being sent to certain apartment house owners tions of the fire escape regulations. Upon inquiry the president of the board of Commissioners learned, it is stated, that these notices, in many instances, have directed Building Inspector Morris Hacker to prepare a list of persons to whom notices for violations have been sent. This information was turned over to the to commence legal proceedings to compel obedience with the law.

Statement by the Commissioner.

Referring to the action of the board. Commissioner Newman this afternoon

"The suits to be filed by the District of Columbia for enforcement of the fire escape regulations are the result of a delivery of Gen. Huerta's message to his discovery by the Commissioners that a the District have flagrantly, if not impudently, ignored the orders of the Comlarly reprehensible. Should a fire occur in a building the owner of which has ignored the law and the orders of the District Commissioners it is quite likely there would ensue a needless loss of life. "The Commissioners feel keenly their on the part of property owners sued bers of the Maryland congressional deleteday to provide the safety appliances gation, who saw the President this mornrequired by law, particularly in view have calmly ignored the legal, official man. thorities are disposed to reopen the porize in cases of such violations, and, therefore, instead of issuing more notices-which these property owners have indicated they do not intend to collector for the district of Baltimore is named at the recent meeting of the orobey -we have brought suit to enjoin said to be now on the desk of the Presi- ganization at Salina, Kan., called upon those property owners from the use or

occupancy of their buildings. Directed to Press Suits.

most vigor. Those against whom action was instituted today were selected bebut the corporation counsel is preparing as rapidly as possible to bring action against all violators, to the end that the lives of people occupying such buildings may be as safe as it is possible for the Sommissioners to make them."

NOBLE MYSTERIOUSLY SHOT.

Marquis Vallo de la Renia Killed While Out Hunting. SEVILLE, Spain, September 18 .- Mar-

while hunting with a large party of The marquis was lost sight of for

The hunters, proceeding in the direction

TRIBUTE TO GAYNOR'S MEMORY Memorial Service Held by Passengers

Aboard Lusitania. NEW YORK, September 18 .- A notable tribute to the memory of Mayor Gaynor was paid last night by passengers on board the Lusitania, on which the late mayor's body is being brought here, according to a wireless message from the steamer now nearing port.

It took the form of a memorial meeting in which British passengers joined with Americans. Nearly every one in the first cabin attended. Short addresses were more or less into close touch with him. An appropriate resolution of sympathy with the Gaynor family and the citizens of New York was passed at the end of the meeting.

TAFT MAY SUCCEED ROGERS. Former President Mentioned for Dean

of Yale Law School, NEW HAVEN, Conn., September 18. The acceptance by Dean Henry Wade

Rogers of the Yale Law School of appointment as judge of the United States circuit court leaves the deanship vacant. While no official statement was made at Yale University today as to a successor to Dean Rogers, the name of former President William H. Taft, now Kent professor of law in Yale College, is mentioned on all sides.

Prof. Taft and his family returned from Murray Bay, Ontario, yesterday.

Maryland's Fight for Collector of Baltimore District Appears Futile.

Alfred Raughley of Delaware, it is con-

The commission of Mr. Raughley to be

Representatives Linthicum, Talbott and Smith of Maryland were the members of the Maryland delegation who waited on the President. They urged the greater right of Maryland to the patronage and protested against the award of the post to a Delaware man.

Back William H. Bryan.

are both advocates of the candidacy of William H. Bryan of Baltimore. Mr. Smith joins with them in protest against the appointment going outside the state. The Baltimore collection district includes the states of Maryland and Delareconstruction of the customs service. sional base ball fans, presented the members of the Detroit American League team to the President this morning. Sam Crawford, one of Detroit's crack players, is from Wahoo, Neb., and one of Repre-

Former Governor Calls.

Senator Smith of South Carolina, who came into the executive offices a few minutes after ex-governor Evans, went away with him. The former governor is believed to have

Enthusiasm!

One Hundred and Seventy Pounds of It!

That's a Press Agent!

TAKE two of them and start them going. them run up against a bunch of street car swindlers; a lady sword-swallower and impersonator who nearly elopes with the quarter million; the same Sam Harkins' circus aggregation—and you get a story, It's "The Rock Springs Money Juggle," by Glenmore Davis. He wrote "The Pomeranian Riot," that made a lot of people roll over with laughter three weeks ago. And now he's done it again. You'll find it a lively yarn-well worth reading. Look for it next Sunday in the

Sunday Magazine

Sunday Star

and A. L. Edmunds, representing the Architectural League of Philadelphia, to the executive offices this afternoon. The visitors presented a request to the President that he attend the dedication of the restored Congress Hall. The delegation

Invited to Philadelphia.

Representative Logue of Pennsylvania

escorted Mrs. Charles Augustus Harrison

proposed that the dedication ceremonies be set for any day after October 18 to suit the convenience of the President. E. N. Goodwin, secretary of the Chamber of Commerce of the United States, called on the President to ask him to address the congress of the organization in February next year. The President took it under advisement

Carolina with the President. Senator Smith regards the patronage question as well in hand. He did not know the mission of ex-Gov. Evans, who declared that LARGE LOAN AGAIN Gov. Elliott W. Major of Missouri was

IN THE ALBANY LIMELIGHT.

his visit was solely a courtesy call.

Gov. Major Sees President.

the President only long enough to shake

hands with him. He said that he is mak-ing the rounds of official Washington,

meeting the members of the President's

cabinet, before leaving the National Capi-

tal. He is going to take his vacation now, he said, and will spend his time at

Joseph E. Willard, ambassador to Spain

who proposes to sail next month for his

dent and discuss the details of his mis-

Portugal, was another diplomatic caller.

Farmers Present Views.

retary McAdoo accompanied them.

For Change in Rerund.

Would Hold Cotton.

favor of the United States.

them as counsel.

French Lick Springs, Ind.

Negotiations to Obtain \$25,-000,000 Are Reported to Be Now Under Way.

post at Madrid, found another opportunity this morning to call upon the Presi-Negotiations which were instituted by sion. Col. Thomas H. Birch, minister to been pressed for some time, are about to tries that a central bank is believed by tained in Washington today.

To present the views of the Farmers' Guatemala, it is said, originally desired to raise about \$20,000,000, to be serepresenting 3.500,000 farmers over debt and to reform the currency system he President this morning. It was at the instance of Secretary McAdoo of the Treasury Department that the securities, amounting some time ago to President received the committee. Secabout \$7,000,000, be liquidated separately, and as preferred claims, before the pro-Senator Smith of South Carolina inposed new loan was negotiated. The roduced the committee. It consisted British bondholders' claims are secured of E. W. Dabbs of Maysville, S. C.

chairman, who is also president of the South Carolina section; Robert M. Cooper of Wisocky, S. C.; S. C. Hobbs To Liquidate British Claim. To Liquidate British Claim. of Clinton, N. C., and J. C. Kennett of Greensborough, N. C. James H. Pat-

Guatemala now desires to raise about ten of Washington, D. C., accompanied \$5,000,000, in addition to the \$20,000,000 it first proposed to raise, the additional \$5,000,000 being for the purpose of liquidating the claims of the British bondholders. It is believed that the latter sum will take care of what remains ganization is desirous of urging that the of the original \$7,000,000 claim of these refund do not take place monthly in British bondholders. quarter installments beginning December

but that, beginning January 15, the Guatemala has about three bi-monthly, carrying the transaction over | railroads. times as much railroad mileage as all the rest of the Ceneral American rethe time for the annual deposits to be publics together. With the completion made for moving the crops, and also in- of a fifteen-mile stretch of railroad on the frontier of Guatemala and Mexico, at a point known as Ayutla, it will be Regarding the currency legislation, they would have the bill amended to extend Montreal, Canada, down through the the time on prime commercial paper for United States and Mexico to Guatemala farm products. Instead of a sixty-day City. The construction of the last fif-term, it seems desirable that a six-month teen miles of railroad has been attended term, it seems desirable that a six-month with great physical difficulties term be provided on paper representing

dollars in foreign gold would be the an- the possibility of the loan, and the re-

To Get Support of People First. The aid of the State Department is not being asked for the raising of the loan Guatemala now desires to put through. In the matter of cotton the argument is Cabrera, the president of Guatemala, is States Treasury, and particularly from used that two out of every three bales said to believe, with the government of are shipped abroad, and determines the Salvador, that it is unnecessary to ask balance of trade in favor of the United the State Department about Central States. Could the producer be enabled American projects. A group of important above the law." to hold cotton until a favorable market New York bankers, with a large Euroaffords the best price many millions of pean connection, is said to be discussing

On the strength of the remote possi- gaged in international practice. bility that the President will go to Mobile. When the negotiations for the loan Ala., late in October, if the national reach the stage of drawing up a preliminary contract, if they do, it is said that President Cabrera of Guatemala will sublegislation situation permits, Senator Sheppard of Texas was at the executive offices this morning to ascertain if there and the press of his country to obtain was any more definite purpose for such public sentiment. Three years ago, when a trip, and, if so, whether the President the subject of the loan was up, a con-could not be persuaded to visit Texas. tract with bankers was nearly consumcould not be persuaded to visit Texas. tract with bankers was nearly consum-There was no more definite assurances of mated, but there was some hostility to mated, but there was some hostlity to the President's plans to be given, and Sen-ator Sheppard was unable to arrange of Guatemala, at least as to some of the an itinerary into Texas as he hoped to provisions of the contract. President do.

THE DAY IN CONGRESS.

Met at 2 p.m. Banking committee continued hearings on currency bill.

House: Took up administration currency bill for passage and incorporated the so-called "gold standard Representative Hinebaugh

brought to the progressives a mes-sage from Col. Roosevelt, indors-ing their campaign plans.

BURTON CRITICISES CURRENCY MEASURE

Ohio Senator Discusses the **Democratic Legislation** Pending in Congress.

FEDERAL RESERVE BOARD CHIEF POINT OF ATTACK

Address Before the American Insti-

tute of Banking, in Convention at Richmond. Swear to Consider Case in an Un-RICHMOND, Va., September 18 .- Senator Theodore E. Burton of Ohio opened

today's session of the American Institute of Banking, in convention here, with THOUSANDS ARE IN ALBANY a speech on "Currency Legislation," in which he attacked the democratic currency bill pending in Congress. The senator condemned the regional reserve bank plan proposed in the bill, but his criticism was aimed chiefly at the provision authorizing the federal re-

"It is based on an erroneous idea," he said, "namely, that a government or political organization may properly assume the providing of a supply of paper currency, directly or indirectly. It is pro- of the impeachment of William posed that the government shall assum in the first instance the redemption of all circulating notes. This should be left to the banks exclusively. It might be necessary for the Treasury itself to maintain a gold reserve as is now held for the redemption of greenbacks.

serve board to control the issuance of

Not Suited to All Conditions.

rangement in times of fair weather, but in times of panic or crisis the obligation of the government to redeem circulating notes would be most burdensome, and might seriously impair its credit. The alone. This, however, does not mean the absence of a very essential field for government supervision and regulation. Discussing the plan to put the reserve bank system under the control of a federal reserve board, composed of the secretaries of the Treasury and Agriculture, the controller of the currency and four others named by the President, Senator

Partisan Advantage Possible.

Such an organization might at first eem an ideal solution, securing a proper palance between the people and the banks courtroom. When he was called in the all-important field of the management of our finances. But it is the bane of our national life that politics enters all administrative duties. The competition between opposing parties is so keen that those engaged in enterprises do not feel sure that the authority of a political nounced that it was the governor's board will not be used for partisan ad-

Senator Burton said the idea of centralization had been adopted by foreign to be represented by his attorneys. countries widely remote and different in policies, but added that "there is no doubt a prevalent opinion which must be respected which opposes a central bank, and our geographical area is so much greater than that of other counmany to be out of the question.

Some Features Commended.

The senator strongly commended provisions granting authority to national banks to accept certain classes of paper, the proposed establishment of branches in foreign countries and the recently inserted clause to require reserve banks receiving the circulating notes of other banks to take immediate steps for their

OF DEMOCRATS SIFTED

duces Resolution to Pass on Guilt of Members.

sessed each democrat in Congress \$100. Representative Mann, the republican floor eader in the House, today introduced a resolution on the subject which forced the democrats to go on record.

The resolution provided, "That a committee of seven members shall be apointed by the Speaker to investigate and eport to this House whether any mempers of this House have been guilty of violating any of the provisions of the criminal code by soliciting or receiving. or by being in any manner concerned in soliciting or receiving, any assessment, subscription or contribution for any political purpose whatever from any person receiving any salary or compensation of money derived from the United members of this House, to the end that it may be ascertained whether the members of this House, constituting the law-making branch of the government, are

Imprisonment Is Provided. Mr. Mann's resolution stated that the

nual increase to the balance of trade in sumption of negotiations for it are to be violation of the criminal code which he suggests is involved in the assessment in charge of a Washington law firm enof democratic members is punishable by a fine of not more than \$5,000 or imprisnment of not more than three years, or As soon as the resolution was read the House Representative Crisp moved

that the resolution be referred to the com-

mittee on the election of the President and Vice President and that the matter voting on the subject.

President Wilson today made these

nominations Joseph W. Folk of Missouri, solicitor for the Department of State. Henry Wade Rogers of Connecticut, United States circuit judge in the second circuit.

Clay Allen, United States attorney for Who is abroad, was the only one who did

Clay Allen, United States attorney for western district, Washington.

Bernard Herstein, assistant appraiser of merchandise at New York.

James Y. Callahan of Enid, Okla., register of the land o ce at Woodward, Okla.

James B. Perkins, United States marshal, northern district of Florida.

J. Clifford Brown, United States marshal, southern district, Florida.

SULZER, ON TRIAL, FAILS TO APPEAR TO ENTER A PLEA

ONE CENT.

New York Governor Represented by Counsel Before Court of Impeachment.

SENATORS AND JUDGES ALL TAKE FORMAL OATH

prejudiced Manner.

Flock to Witness Proceedings, and Extra Guards Are Used to Preserve Order-Tribunal Adjourns Until Tomorrow.

ALBANY, N. Y., September 18.—The high court for the trial Sulzer, Governor of New York state, held its first session today. Organization was perfected and adjournment was taken until tomorrow morning.

As had been expected, counsel for the impeached executive objected to the senators who served right to fix the amount and time of issue is equally objectionable. The transactions of borrower and lender and the unearthed much of the evidence relations between banks and their customers will settle the question, if left resulting in the impeachment, sitting in judgment upon the governor, also Senator Wagner, acting lieutenant governor, but Chief Judge Cullen announced the points raised would be considered

> Gov. Sulzer was not in the desire not to appear in person, but

Thousands Attracted.

Although noon was the appointed hour for the convening of the court, several thousand persons thronged the capital building and grounds before 9 o'clock. all hoping to gain admittance to the senate chamber, the scene of the trial While there was no indication that any testimony would be taken today, the crowds were eager to witness the solemn opening ceremonies of the court.

Owing to the small seating capacity of the senate galleries, most would-be spectators were doomed to dis-appointment. Not more than 300 seats were available, of which fifty were reserved for newspaper men.
Forestalling possibility of any attempt to rush the chamber, the senate sergeant-at-arms and his staff were reinforced by a heavy platoon of city police. Positive orders were issued that no spectator should be permitted on the floor of the chamber.

Reap Harvest of Cash. harvest from the crowd that poured into the city last night and today. Long before the night trains came in from New Minority Leader Mann Intro- York, bearing scores of politicians and sightseers, every available room had been taken at the downtown hotels, and those without reservations were forced to go to private houses to find accommodations.

Arrayed against the governor as counsel for the assembly board of managers today were Alton B. Parker, former chief judge of the court of appeals; John B. Stanchfield, Edgar T. Brackett, Eugene Lamb Richards, Isidore J. Kresel and Hiram C. Todd. Attorneys for the defense included D.

Cady Herrick, Irving G. Vann, former judge of the court of appeals; Austen G. Fox, Harvey D. Hinman, Louis Marshall and Roger P. Clark. Calls Court to Order.

Acting Lieut. Gov. Robert F. Wagner called the senate to order as members of the court of impeachment at 11:55. At the same time counsel for both sides dais and the senators' chairs. Behind the dais, where Chief Judge

Cullen of the court of appeals sat as presiding officer of the court, there hung today a great velvet tapestry of maroon and gold. In its center was worked the coat of arms of the state of New York and its motto, "Excelsior." At each upper corner hung the shield of the United States. On the raised front of the chief judge's desk symbolic scales were worked out in relief over the word

"Justice." But One Senator Absent.

All but one of the forty-nine senators-John C. Fitzgerald of New York-answered to their names as the roll was called by Senate Clerk Patrick E. Mc-Oabe. Senator Fitzgerald is ill. The senators appointed a committee of

in completing the trial court for the im-peachment of William Sulzer." the proposed contract among the policy of Guatemala, at least as to some of the provisions of the contract. President Cabrera, it is said, has now determined to obtain the support of the people of Guatemala before proceeding with his plans.

NAMES SENT TO SENATE.

NAMES SENT TO SENATE.

There was a two-minute silent walt. Then at 12:02 o'clock the doors opened and the judges, nine in number. clad in their somber judicial robes, filed solemnty into the chamber. Senators and spectors rose and remained standing while the acting lieutenant governor walcomed the court. welcomed the court.

Judge Cullen was escorted to the dais and presented with the gavel, which he brought down solemnly, declaring the court convened. Judge Cullen announced that the first business of the court would the court would be a sole to be sol not respond to his name.

The oath of office was then administered by Clerk McCabe to the presiding chief judge.

Upholds Three Judges.

After the roll call Judge Cullen de clared the court duly constituted.